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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,097	01/24/2002	Franciscus Lucas Antonius Johannes Kamperman	NL010128	9486

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,097

Applicant(s)

KAMPERMAN, FRANCISCUS
LUCAS ANTONIUS JO

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/11/05.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is in response to the communication filed on 10/11/2005.

All objections and rejections not set forth below have been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said certified public keys" in line 1. There is insufficient antecedent basis for this limitation in the claim. The claims specifically mention a "certified public key of said application unit" and a "certified public key of said security unit". However, no prior mention has been made of an ambiguous plurality of public keys ("said certified public keys"). For the purposes of searching prior art, the examiner will presume that the applicant is referring to "said certified public key of said application unit and said certified public key of said security unit".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Traw et al., "Content Protection for Transmission Systems", U.S. 5,949,877.

Regarding claim 1, Traw et al. (hereinafter referred to as Traw) discloses:

a) exchanging authentication data between said first unit and said second unit (Traw, col. 7, lines 5-13), said authentication data being retrieved from an authorization list comprising a list identifier (Traw, col. 5, lines 37-47; col. 7, lines 14-36),

b) checking the presence of the first unit on the authorization list (Traw, col. 7, lines 14-36);

and c) checking the validity of the authorization list using the list identifier received from the first unit and a list identifier stored in the second unit. (Traw, col. 7, lines 14-36). The validity of the authorization list is checked by comparing the list version identifiers.

Regarding claim 2, Traw discloses:

wherein authentication of said first unit is terminated if either of said checking steps fails (Traw, col. 7, lines 27-31).

1

2 Regarding claim 3, Traw discloses:

3 *wherein said first unit comprises an application unit including an application and*
4 *said second unit comprises a security unit* (Traw, col. 3, lines 25-33, 45-53; col. 4, lines
5 8-25). Traw discloses that the two units may interchangeably be PCs containing
6 applications or CE devices. Both types of units comprise security components.

7

8 Regarding claim 4, Traw discloses:

9 *wherein said authorization list comprises a certified application list comprising*
10 *information about authorized applications* (Traw, col. 3, lines 34-44). Traw discloses a
11 list informing a device/application as to which devices/applications are authorized.

12

13 Regarding claim 5, Traw discloses:

14 *wherein in said step a), a certified public key of said application unit retrieved*
15 *from said certified application list and a list identifier of said certified application list is*
16 *transmitted from said application unit to said security unit, and wherein in said step c)*
17 *said certified public key of said application unit and said list identifier of said certified*
18 *application list is checked by said security unit* (Traw, col. 7, lines 5-36).

19

20 Regarding claim 6, Traw discloses:

1 *b1) transmitting a certified public key of said security unit from said security unit*
2 *to said application unit; and b2) checking said certified public key of said security unit by*
3 *said application unit against a certified security unit revocation list (Traw, col. 7, 44-65).*

4
5 Regarding claim 7, Traw discloses:
6 *wherein said certified public keys are checked by use of a public key of a*
7 *certification unit provided by said certification unit to said security unit and said*
8 *application unit (Traw, col. 7, lines 23-27, 53-57).*

9
10 Regarding claim 8, Traw discloses:
11 *wherein said certified application list is provided and updated by a certification*
12 *unit (Traw, col. 5, lines 37-44). The certification unit creates all certified application lists,*
13 *thus it provides and updates the list.*

14
15 Regarding claim 9, Traw discloses:
16 *wherein said list identifier is distributed together with data carriers or from any of*
17 *said first unit, second unit or said certification unit (Traw, col. 5, lines 37-44).*

18
19 Regarding claim 10, Traw discloses:
20 *d) encrypting data to be transmitted using an encryption key by said second unit;*
21 *and e) transmitting said encryption key and the encrypted data from said second unit*

1 *to said first unit or determining said encryption key by said first and said second unit*
2 *(Traw, col. 7, line 66 – col. 8, line 57).*

3
4 Regarding claim 11, Traw discloses:
5 *wherein said authorization list is distributed together with said data to be*
6 *transmitted, with data carriers, with application units or applications (Traw, col. 6, lines*
7 *48-56).*

8
9 Regarding claim 12, it is the system claim implementing and corresponding to the
10 method claim 1, and is rejected for the same reasons.

11
12 Regarding claim 13, it is rejected for the same reasons as claim 10.

13
14 Regarding claim 14, it is rejected for the same reasons as claims 7 and 8.

15
16 Regarding claim 15, Traw discloses:
17 *a computer comprising a reading unit for reading a data carrier storing the data to*
18 *be transmitted, wherein said first unit is part of said computer provided for running an*
19 *application and wherein said second unit is part of said computer connected to or*
20 *arranged in the reading unit provided for decrypting and re-encrypting data read from*
21 *said data carrier (Traw, col. 1, lines 11-39; col. 2, lines 61-65; col. 3, lines 21-56; col. 4,*
22 *lines 3-36; figs. 3 and 4).*

1

2 Regarding claim 16, Traw discloses:

3 *a first unit for transmitting authentication data from said first unit to said second*
4 *unit, said authentication data being retrieved from an authorization list comprising a list*
5 *identifier; and b) a second unit for checking the authenticity of the authorization list and*
6 *the origin of the authentication data from a valid authorization list (Traw, col. 5, lines 37-*
7 *47; col. 7, lines 5 -36), for encrypting data to be transmitted using an encryption key,*
8 *and for transmitting said encryption key and said encrypted data from said second unit*
9 *to said first unit or for determining an encryption key by said first and said second unit*
10 (Traw, col. 7, line 66 – col. 8, line 57).

11

12

13 **Response to Arguments**

14

15 Applicant's arguments filed 10/11/2005 have been fully considered but they are
16 not persuasive.

17

18 Applicants argue primarily that:

19

20 *1) There are some major differences between the two systems: (Remarks,*
21 *10/11/2005).*

22

1 In response, the examiner notes that the applicants have discussed alleged
2 “major differences” between prior art and the disclosed invention (Remarks, pages 9 –
3 12). Such discussion is not addressed to the claimed limitations. In response to
4 applicant's argument that the references fail to show certain features of applicant's
5 invention, it is noted that the features upon which applicant relies (i.e., length of lists,
6 updating of lists, manner of storing lists, dividing and signing lists) are not recited in the
7 rejected claim(s). Although the claims are interpreted in light of the specification,
8 limitations from the specification are not read into the claims. See *In re Van Geuns*, 988
9 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10
11 II) *Consequently, Applicant submits that it is neither anticipated nor obvious to*
12 *simply replace the revocation list of Traw et al. by an authentication list. First, there is*
13 *no motivation for the skilled person to modify the solution known from Traw et al. The*
14 *solution known from Traw et al. works, and there is no hint why the skilled person would*
15 *change from this working solution. Second, such a modification would not be as simple*
16 *as it seems* (Remarks, page 12).

17
18 First, in response, the examiner respectfully points out that there has been no
19 argument of obviousness respecting the above rejected claims. Claims 1-16 stand
20 rejected under 35 U.S.C. 102(b) as being anticipated by Traw et al., “Content Protection
21 for Transmission Systems”, U.S. 5,949,877. There is no intention for the modification of
22 Traw by replacing of a revocation list with an “*authentication list*”.

1 Second, the examiner respectfully points out that the claim language explicitly
2 states an "*authorization* list". Furthermore, the applicants have not provided their own
3 definition of "an authorization list". Thus, the applicants have merely claimed a list
4 indicating a state of authorization. Any alleged differences argued by the applicants
5 regarding "black-list" type vs. "white-list" type authorization lists are not reflected in the
6 claimed language.

7 In response to applicant's argument that the references fail to show certain
8 features of applicant's invention, it is noted that the features upon which applicant relies
9 (i.e., "white-listing", Remarks, page 9, par. 1) are not recited in the rejected claim(s).
10 Although the claims are interpreted in light of the specification, limitations from the
11 specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26
12 USPQ2d 1057 (Fed. Cir. 1993).

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14
15 III) *At least step c) is still missing which his neither disclosed nor suggested by*
16 *Traw et al.* (Remarks, page 13).

17
18 In response, the examiner respectfully directs the applicant to the above
19 rejections.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

1 Information regarding the status of an application may be obtained from the
2 Patent Application Information Retrieval (PAIR) system. Status information for
3 published applications may be obtained from either Private PAIR or Public PAIR.
4 Status information for unpublished applications is available through Private PAIR only.
5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
6 you have questions on access to the Private PAIR system, contact the Electronic
7 Business Center (EBC) at 866-217-9197 (toll-free).

8
9
10 Jeffery Williams
11 Assistant Examiner
12 Art Unit 2137


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SUPERVISORY PATENT EXAMINER